

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PAUL FERNANDO SCHREINER,	)	
	)	
Petitioner,	)	4:04CV3344
	)	
vs.	)	ORDER
	)	(HABEAS CORPUS)
JOHN D. ASHCROFT, et al.,	)	
	)	
Respondents.	)	

Before the court is filing no. 11, the motion for appointment of counsel, filed by the petitioner. The petitioner's motion for appointment of counsel in this 28 U.S.C. § 2241 case is governed by 18 U.S.C. §3006A (a)(2), which provides that counsel may be appointed under the Criminal Justice Act if the interests of justice so require for a financially eligible person seeking relief under §2241.

It is the court's discretion whether or not to appoint counsel in these situations. Otherwise, no constitutional or statutory provision necessitates appointment of an attorney to represent a petitioner in § 2241 proceedings.

In the present case, the motion for appointment of counsel is denied because the court finds that the interests of justice do not require appointment of counsel at this time for the petitioner. However, appointment of counsel will be reconsidered sua sponte in the event an evidentiary hearing is held in this case.

SO ORDERED.

DATED this 26<sup>th</sup> day of May, 2005.

BY THE COURT:

s/F.A. GOSSETT  
United States Magistrate Judge